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DATE: November 3, 2003

NO. OF PAGES: 12

TO: AHMED M. FARAH

TELEPHONE: 703 305 5787

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NOV 03 2003

FROM: SUZANNE SARACEN
LAW DEPARTMENT
BAUSCH & LOMB**OFFICIAL**

TELEPHONE: 585 338 6613

FAX: 585 338 8706

Re: USSN 10/045,694
Our Ref: P02929

Per our telephone conversation this morning, attached is a copy of the response to the restriction requirement which was faxed on May 8, 2003, together with our telefacsimile confirmation page.

Thank you for your telephone call.

NOV-03-2003 10:43

B&L LEGAL DEPT.

585 338 8706 P.02/12

***** JOURNAL ***** DATE MAY-08-2003 TIME 09:28 P.01

MODE - MEMORY TRANSMISSION

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END-MAY-08 09:28

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DATE: May 8, 2003

URGENT

TO: Ahmed M. Farah

TELEPHONE: 703 305 5787

NO. OF PAGES: 10

FAX: 703 746 3368

FROM: WILLIAM GREENER
LAW DEPARTMENT
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TELEPHONE: 585 338 5012

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MAY 08 2003

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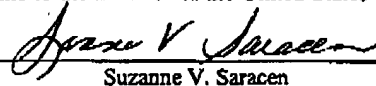
NOV 03 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cox, et al.
Application No. : 10/045,694
Filed : October 19, 2001
Title : Method and System for Improving Vision
Group/Art Unit : 3738
Conf. No. : 9867
Docket No. : P02929

OFFICIALCERTIFICATE OF MAILING BY TELEFACSIMILE

I hereby certify that this correspondence is being sent by telefacsimile to the Director of the United States Patent and Trademark Office at telefax number 703 746 3368, on May 8, 2003.


Suzanne V. Saracen

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Director of the United States
Patent and Trademark Office
Washington, DC 20231

Dear Sir:

In response to the Office Action mailed on April 8, 2003, please amend the application as appears on the attached pages.

DOCKETED

MAY 08 2003

Introductory Comments

In an office action mailed on April 8, 2003, the Examiner presented a restriction requirement under 35 USC 121 to one of Group I claims (claims 1-9); Group II (claims 10-30); Group III (claims 31-34); or Group IV (claims 35-38).

In a telephone interview with the Examiner on May 7, 2003, Applicant pointed out that the description under the Group II claims (claims 10-30) indicated that the invention is drawn to a method for creating corneal flap using mechanical keratome for correcting for higher order aberrations of the eye, classified in Class 606, Subclass 166. Applicant noted to the Examiner that claim 10 as originally filed described a method for correcting for higher order aberrations of the patient's eye comprising, among other things, inflicting a required surgical trauma to the eye corresponding to a particular ophthalmological procedure. Claim 11, dependent from claim 10, is drawn to the method for creating a corneal flap using a mechanical keratome as one of the alternative limitations presented in that claim. Applicant respectfully submitted that he would elect the Group II claims (claims 10-30) with traverse, provided however that the Examiner reissue the office action clearly indicating that claims 10-30 are not so limited as set forth in the election/restriction requirement. The Examiner was in full agreement with Applicant on this point.